

JOSEPH P. RUSSONIELLO (CASBN 44332)  
United States Attorney

**FILED**

2008 MAY 12 A 11: 58

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA. S.J.

**E-FILING**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUVENAL LOPEZ-CASTRO,

Defendant.

**CR** No. **08 00313 JW**

VIOLATION: 8 U.S.C. § 1326 –  
Illegal Re-Entry Following Deportation

**RS**

SAN JOSE VENUE

INDICTMENT

The Grand Jury charges:

On or about March 31, 2008, the defendant,

JUVENAL LOPEZ-CASTRO,

an alien, previously having been arrested and deported from the United States on or about April 23, 1999 and June 19, 2002, was found in the Northern District of California, the Attorney General of the United States and the Secretary for Homeland Security not having expressly consented to a re-application by the defendant for admission into the United States, in

//

INDICTMENT


1 violation of Title 8, United States Code, Section 1326.  
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3 DATED:


A TRUE BILL.

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5  
6 FOREPERSON \_\_\_\_\_

7 JOSEPH P. RUSSONIELLO  
United States Attorney

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DAVID R. CALLAWAY  
Deputy Chief, San Jose Branch Office  
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13 Approved as to form:

  
SAUSA B. KENNEDY  
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INDICTMENT

AO 257 (Rev. 6/78)

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING

## OFFENSE CHARGED

 Title 8, U.S.C. § 1326 - Illegal  
 Re-Entry Following Deportation

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

## PENALTY:

 20 years imprisonment  
 \$250,000 fine  
 3 years supervised release  
 \$100 special assessment fee

E-FILING

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

ICE

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a pending case involving this same defendant

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

 Name and Office of Person  
 Furnishing Information on  
 THIS FORM

JOSEPH P. RUSSONIELLO

☒ U.S. Att'y ☐ Other U.S. Agency

 Name of Asst. U.S. Att'y  
 (if assigned)

BENJAMIN KENNEDY

FILED

 Name of District Court, and/or Judge/Magistrate Location  
 NORTHERN DISTRICT OF CALIFORNIA

2008 MAY 12 A 11:58

DEFENDANT - U.S.

 RICHARD W. WIEKING  
 JUVENILE PROSECUTOR  
 U.S. DISTRICT COURT  
 NO. DISTRICT COURT NUMBER

CR - 08 00313

JW

## DEFENDANT

## IS NOT IN CUSTODY

- 1) ☐ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

## IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction
- 6) ☐ Awaiting trial on other charges } ☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of Institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

Month/Day/Year

DATE TRANSFERRED TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

## ADDITIONAL INFORMATION OR COMMENTS

## PROCESS:

☐ SUMMONS ☒ NO PROCESS\*

☐ WARRANT Bail Amount:

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments: